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In re Application of

**MAR 28 2007**

Donahue, et al.

**OFFICE OF PETITIONS**

Application No. 10/761,278

: DECISION ON PETITION

Filed: January 22, 2004

:

Attorney Docket No. IVGN 135.2 CON

This is a decision on the petition under 37 CFR 1.137(b), filed December 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply in a timely manner to the final Office action mailed May 9, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was not received within the allowable period and the application became abandoned on August 10, 2006.

The continuing application 11/608,192, filed December 7, 2006, is noted.

The request for an extension of time within the third month filed December 7, 2006, is noted but cannot be granted because it was made outside the maximum statutory period for reply. It is further noted that an extension of time is not necessary in this instance because the application was in an abandoned status at the time the request was made. Deposit account 50-3994 will be refunded \$1020.00, accordingly.

The subject application is revived for continuity purposes and is again abandoned in favor of application 11/608,192.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

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Office of Petitions